

in an adjoining state, a citizen of this, or any other state, may obtain a commission to mark and bound the part within this state.

Provision
in case of
deficiency,
&c.

SEC. 9. *And*, whereas on the execution of such commissions small parcels of vacant land may be found to lie adjoining to the land to be marked and bounded, or other lands directed by the commissioners to be surveyed, and justice requires that such vacancies should be applied in the first place to make good the deficiency, if any, in the adjoining tracts, and the residue would be much more convenient and valuable to the proprietors of the lands to which they adjoin than others, *Be it enacted*, That if it shall appear on the execution of any such commission as aforesaid, the land on which the same shall have issued is deficient in the quantity for which it was granted, or is partly taken away by an elder interfering survey, the commissioners, or a majority of them, on the request of the party, may and shall cause any adjoining vacant land, not exceeding the quantity of the said deficiency, to be surveyed, marked and bounded, in their presence, and shall, with their other proceedings, return a certificate thereof; and on the said certificate being recorded in the county court records as aforesaid, and also amongst the records of patents in the land office, the party shall be seized of an estate in fee in the land therein described.

Pre-emption
may be
awarded,
&c.

SEC. 10. *And be it enacted*, That where any vacant land, not requested to be applied to make good deficiency as aforesaid, shall be discovered on the execution of any commission, lying adjoining to any land surveyed, on the execution of such commission the commissioners, or a majority of them, may and shall, if requested, award the pre-emption thereof, or of such part thereof as to them shall seem most convenient and equitable, on a consideration of all circumstances, to any proprietor or proprietors of the lands adjoining thereto, so that the whole quantity, to any one proprietor, does not exceed fifty acres, unless the adjoining tract, of which he is proprietor, exceeds one thousand acres, in which case they may allow at the rate of five acres for every one hundred acres thereof; and any person obtaining such award of pre-emption, shall have six months to procure a common or special warrant, or warrant of resurvey, out of the land office, to affect and secure the same, and on a due execution of such warrant, and a compliance with all requisites, a grant shall issue; provided always, that nothing herein contained shall hinder the due execution and effect of any land warrant already issued and located.

CHAPTER 45.

AN ACT to direct Descents.

Repealed with the supplements thereto, by 1820, ch. 191.